

Craig S. Friedman (CF-1988)
Matthew W. Lampe (*pro hac vice*)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA JACKSON,

Plaintiff,

-against-

THE SCOTTS COMPANY

Defendant.

08 Civ. 1064 (LAK)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed Declaration of Craig S. Friedman, dated August 18, 2008, together with the exhibits thereto, and the accompanying memorandum of law, Defendant The Scotts Company LLC (incorrectly named in the Complaint as “The Scotts Company”) will move this Court, before the Honorable Lewis A. Kaplan, United States District Judge, United States Courthouse, 500 Pearl Street, New York 10007, pursuant to Federal Rules of Civil Procedure 37(c)(1) and 37(b)(2)(iii), to preclude Plaintiff from introducing evidence of damages in this action.

Dated: August 18, 2008

JONES DAY

/s/ Craig S. Friedman

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